

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 14, 2014
7:30 p.m. – 8:43 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich (arrived at 7:34 p.m.), Day, and Hew.

ABSENT: Councilmember Mitchell.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:30 p.m. Councilmember Day led the pledge of allegiance.

Minutes: A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt the minutes of the September 16, 2014 Special Session; September 23, 2014 Regular Meeting; and the confidential minutes of the September 23 Executive Session. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Hew commented on the successful permaculture planting project that took place on Saturday.

Councilmember Dennis said the College Park Think-a-Thon, held last Saturday, was a great success and he is looking forward to the white paper.

Councilmember Brennan discussed the Pedestrian Safety meeting he attended. The lighting improvements have been completed, and a possible crosswalk on Knox Road from the 7-11 to the shopping center is under discussion.

Councilmember Wojahn said the Coalition for Smarter Growth is doing a series of walking tours this fall including one in College Park on Saturday, October 25 from 3 – 5 p.m. starting from the College Park Metro.

Councilmember Kabir announced two health-related events in Hollywood: Thursday Carrollton Enterprises is sponsoring free health screenings in the REI shopping center, and on Saturday at the Farmers Market a doctor will provide free health check-ups.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro said the most recent Resident Satisfaction Survey was distributed tonight for comments. We also want to remind people that this is the last Saturday

that Public Works will be open, and they will also have shredding, Community Forklift, and American Rescue Workers for residents.

Student Liaison's Report: Mr. Holocker reported on his participation in the Think-A-Thon; SGA is advocating in favor of CB-82-2014 the Nuisance Abatement Ordinance; he attended the ribbon-cutting for the new pedestrian light at Hartwick Road; the SGA cabinet met with Dr. Loh's cabinet and focused on quality of life issues; he attended a police sensitivity brainstorming session today; this weekend is the Homecoming game against Iowa – there will be another on-campus tailgate event.

CONSENT AGENDA: A motion was made by Councilmember Wojahn and seconded by Councilmember Day to adopt the Consent Agenda which consisted of the following:

- 14-G-98** Approval of a Letter to SHA indicating that the City is interested in assuming maintenance of an SHA designed/built retaining wall at the corner of US Route 1 @ Erie Street
- 14-G-99** Approval of an amendment to the City Manager's Employment Agreement
- 14-G-100** Approval of a Letter with City comments on the MDOT Draft FY 2015-2020 Consolidated Transportation Program
- 14-G-101** Approval of a Letter to M-NCPPC requesting information about the status of the tree work conducted near the College Park Airport
- 14-R-32** Approval Of A Resolution Of The Mayor And Council Of The City Of College Park, Maryland In Support Of The United States Environmental Protection Agency And Army Corps Of Engineers' Proposed Definition Of "Waters Of The United States" Under The Clean Water Act
- 14-G-107** Approval of a Field Use Request by Open Bible Deaf Church for use of parking area and restrooms at Duvall Field on Saturday, October 18, 2014

The motion carried 7 – 0 – 0.

ACTION ITEMS

- 14-O-10** Adoption of 14-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending The College Park Code By Repealing Chapter 15, "Boards, Commissions And Committees", Article IX, "Rent Stabilization Board", §§15-39 Through 15-54, And Chapter 127 "Rent Stabilization", §§127-1 Through 127-13, In Their Entirety; And By Repealing An Re-Enacting Chapter 110, "Fees And Penalties", §110-1, "Fees And Interests" And §110-2, "Penalties", To Delete Those Sections That Comprise The Rent Stabilization Law

A motion was made by Councilmember Day and seconded by Councilmember Kabir to adopt Ordinance 14-O-10, amending the College Park Code by repealing Chapter 15, “Boards, Commissions and Committees”, Article IX, “Rent Stabilization Board”, §§15-39 through 15-54 and Chapter 127 “Rent Stabilization” §§127-1 through 127-13, in their entirety; and by repealing and re-enacting Chapter 110, “Fees and Penalties”, §110-1, “Fees And Interests” and §110-2, “Penalties”, to delete those sections that comprise the Rent Stabilization Law.

Councilmember Day said that in 2005, the Mayor and Council adopted Ordinance 05-O-02, which established a rent stabilization program in Chapter 127 of the City code, fees and penalties in Chapter 110, and a Rent Stabilization Board in Chapter 15. Chapter 127 contained a provision that required the law to expire and become null and void after the first day of September, 2009. The Mayor and Council adopted various ordinances which extended the rent stabilization program through September 1, 2014. In Resolution 14-R-12, the Council determined that Chapter 127 was no longer necessary for the public good and so should be allowed to expire and become null and void after the first day of September, 2014. As a result, the provisions now contained in the City Code with respect to Rent Stabilization and the Rent Stabilization Board should be deleted in their entirety.

Due to the earlier public hearing, there will be no audience comment at this time.

Councilmember Stullich is opposed to this motion. She voted against the sunset of rent stabilization because she doesn’t believe it’s the right time to end rent stabilization. We haven’t yet accomplished what we set out to and rents remain high.

Councilmember Wojahn said he was also opposed to the sunset of rent stabilization, but because that was the decision of the Council, he will abstain on this motion.

Councilmember Kabir supports the motion; he voted to sunset rent stabilization. It was a source of conflict and friction among various groups and cost tax dollars. He thinks the Neighborhood Quality of Life approach is best; it brings together all stakeholders.

Roll Call Vote:

Yes: Hew, Day, Dennis, Kabir

No: Stullich, Brennan

Abstain: Wojahn

The motion carried.

14-G-103 Approval of letter of support of a College Park City-University Partnership Pre-K through elementary school proposal

A motion was made by Councilmember Brennan and seconded by Councilmember Day that the Council authorize the Mayor to sign the attached letter of support to Senator Jim Rosapepe, Chair of the College Park City-University Partnership (CPCUP). The letter provides the City’s support for a proposal by CPCUP to launch a specialty contract

program in one or more College Park public elementary schools in the fall of 2015. The proposed kindergarten through elementary program will use a project-based learning model, similar to the approach by University of Maryland's Center for Young Children program.

Councilmember Brennan said the City Council received information regarding the College Park City-University Partnership proposal in the Council packet prior to the October 7th Worksession. The CPCUP would like the City and the University of Maryland to support the proposal, and then it will present the proposal to the Prince George's County Board of Education. The letter of support is in reference to the proposed program that would be located in one of the public elementary schools in the area. It is not in reference to a possible pre-K and/or daycare program but we are hopeful that will come in the future.

The motion passed 7 – 0 – 0.

14-G-104 Motion to voice no objection to application for a Class B, Beer, Wine and Liquor License, to support an exemption from the Special Entertainment Permit requirement, for Ben and Brian Games, LLC, t/a The Board and Brew, 8150 Baltimore Ave., College Park, subject to applicant entering into an amended Property Use Agreement with the City in substantially the form attached, authorization for City Manager to sign PUA and staff to testify at BOLC hearing

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan that the City Council voice no objection to the application for a new Class B, Beer, Wine and Liquor License for the use of Ben and Brian Games, LLC, t/a The Board and Brew, 8150 Baltimore Avenue, Suites F2 and G, College Park, subject to the applicant entering into a revised Property Use Agreement with the City of College Park in substantially the form as attached; to authorize the City Manager to sign the PUA; to authorize staff to testify to the City's position before the Board of License Commissioners; and to authorize staff to testify that the City supports an exemption from obtaining a Special Entertainment Permit.

Councilmember Dennis said the applicant applied for a beer and wine license in May 2014. A Property Use Agreement (PUA) between the City and applicant was executed at that time but the license was not awarded by the Board of License Commissioners (BOLC). A new Beer, Wine, and Liquor license has become available for which the applicant has applied. Staff met with the applicant and revised the PUA to reflect the change from the sale of beer and wine only, to beer, wine, and liquor. The applicant expects to offer drinks such as Irish coffee and spiked milkshakes. During discussion, the alcohol to food ratio of 25%/75% was determined to still be acceptable to the applicant. Based upon the proposed business plan to include some entertainment, such as game tournaments, trivia quiz nights and open mike nights, the applicant has indicated an intention to request an exemption from the Special Entertainment Permit

requirement. The revised PUA is drafted to include the requirement that the applicant obtain a Special Entertainment Permit, or an exemption from that permit, pending a BOLC determination. After review of the applicant's plans, an exemption seems appropriate. An exemption will allow persons under 21 to remain after 9:00 p.m. The applicant does not propose to charge a cover charge. Security will be as required if an entertainment license is necessary. The applicant's employee alcohol service policy continues to be incorporated in the PUA. The applicant will use a scanning device to check the ID of customers, and to inspect the forms of ID approved by the BOLC for all customers.

Councilmember Brennan said that Ben and Brian, who are UMD alumni, are model entrepreneurs creating a new and diverse offering in the City.

Councilmember Kabir supports the business model but had questions about the exemption to the Special Entertainment Permit. He is concerned about the safety of our students and noted that one of the pedestrian deaths was related to drinking. It would go in the wrong direction to allow people under 21 to remain in the establishment after 9:00 p.m. so he will abstain.

Councilmember Wojahn agrees we want to discourage underage drinking but he prefers to support a thriving, strong business. This is not the type of business to be concerned about.

Councilmember Day supports this and believes we need options like this for students under 21 in our community.

Mr. Ryan clarified that the exemption would not allow anyone under the age of 21 to drink alcoholic beverages.

Councilmember Stullich also supports the motion and the business. It is important to have entertainment options available to those under 21.

Councilmember Dennis said this business offers a different option for entertainment in the City and is not geared just toward students.

Councilmember Hew said this allows an opportunity for young people approaching the age of drinking to witness responsible drinking without a binge drinking atmosphere.

Mr. Holocker said this is an attraction for people of all ages and he thinks more students would attend who could stay after 9:00 p.m. and support the business.

The motion passed 6 – 0 – 1 (Kabir abstained).

14-G-102 Approval of a Letter to M-NCPPC with City comments on the FY '16 Park and Planning Budget

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir that the City Council authorize the Mayor to sign the attached letter to Elizabeth Hewlett,

Chair of the Prince George's County Planning Board. The letter identifies the City's budget requests for the FY16 M-NCPPC budget. The City is requesting that M-NCPPC include funding for a display board at Cherry Hill Neighborhood Park, improvements to the Hollywood Community Park Entrance and park reconfiguration to allow for a soccer field, a lighting study along the Paint Branch Trail, a feasibility study for a north College Park community facility, accessibility improvements to the College Park Woods Playground and recycling containers at Lake Artemesia.

Councilmember Wojahn said M-NCPPC annually seeks input from municipalities and other organizations for its upcoming budget. City residents pay a tax for planning and recreation services and it is important that the Council and residents provide input on how M-NCPPC allocates its resources. He then offered an amendment to the letter to add "A consultant for establishment of a Transportation Demand Management (TDM) district in College Park." Councilmember Kabir seconded the amendment.

There were no comments from the audience on the amendment.

Councilmember Brennan said that development of a TDM plan is paramount to our strategic vision.

The Council voted 7 – 0 - 0 on the amendment.

Councilmember Dennis mentioned that the idea of lighting the trail was discussed at the Think-A-Thon.

Councilmember Hew said it is important to light the trail for safety especially when it gets dark early.

The motion passed 7 – 0 – 0.

14-G-105 Award of Contract in substantially the form attached for Hollywood Commercial District Streetscape Conceptual Design Plan to Floura Teeter Landscape Architects in an amount not to exceed \$32,000, and authorize the City Manager to sign the Contract (Requires a Super Majority)

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn that the City Council award a contract in substantially the form attached to Floura Teeter Landscape Architects in the amount of \$32,000 for the preparation of conceptual streetscape designs for the Hollywood Commercial District, and that the City Manager be authorized to execute the contract.

Councilmember Kabir stated that competitive bids were not obtained for this project and a super majority vote of the City Council is required. The firm of Floura Teeter successfully designed the Hollywood Wind and Weather Park and is familiar with the location and community. The

project will evaluate pedestrian, bicycle and vehicular access and circulation, use of the Rhode Island Avenue service roads and landscape and lighting issues. Conceptual design alternatives will be presented to the community and a final design concept will be developed and presented to the City Council.

Ms. Ferguson noted that Exhibit A to the contract was distributed this evening.

There were no comments from the audience.

Councilmember Wojahn expressed his excitement about this project moving forward.

Councilmember Kabir asked about the timeline. Ms. Schum said it should be a fast effort that will get underway by the end of this year and be completed in early 2015.

The motion passed 7 – 0 – 0.

14-G-106 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to appoint Darlene Nowlin to the Aging in Place Task Force, Annie Rice as a student representative to the Sustainable Maryland Certified Green Team, Jonathan Plyman to the Citizens Corps Council, Denise Mitchell as a Council representative to the Aging In Place Task Force and Chuck Ireton to the Aging In Place Task Force. The motion passed 7 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Kabir said SHA came to the NCPCA meeting last week and discussed the widening of I-495 in an area that would impact houses in north College Park. He asked if they could present this project at a Worksession. Ms. Schum will contact them to determine the appropriate time.

Councilmember Wojahn asked for specific questions to be answered by SHA regarding the potential beltway widening project: why is it necessary to do this vis-à-vis the Greenbelt station interchange, what is the additional traffic burden. This could have a serious impact on people who live near the beltway in north College Park.

Councilmember Brennan mentioned the Neighborhood Quality of Life Public Forum scheduled for November 6. Also, the College Park Community Foundation will hold their winter gala on Saturday, December 13 at 7:00 p.m.

Councilmember Dennis attended the Monument groundbreaking and said it was good to see some of our development efforts come to fruition.

Councilmember Day was excited to attend the ribbon cutting for the pedestrian light at Hartwick Road; we have been asking for this for a long time.

Councilmember Hew also commented on the Monument groundbreaking and said the community was involved for many years with this project. He thinks they are going to be a great part of the community.

COMMENTS FROM THE AUDIENCE:

Brian Epstein, The Board and Brew: Lighting the paths should be a priority; a staff member was recently mugged at 1:00 a.m. when walking home after work.

ADJOURN:

A motion was made by Councilmember Dennis and seconded by Councilmember Day to adjourn the meeting. With a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting at 8:43 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved